

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF LOUISIANA**

**UNITED STATES OF AMERICA**

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**CRIMINAL NO. 2:10-CR-280**

**v.**

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**SECTION: "S" (3)**

**SHANTELL MOSES**

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**a/k/a SHANTELL MOSSES**

**a/k/a TORA YVETTE HODGES**

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**FACTUAL BASIS**

Should this matter have gone to trial, the Government would have proved beyond a reasonable doubt, through the introduction of competent testimony and admissible, tangible exhibits including the testimony of special agents of the Federal Bureau of Investigation ("FBI"), employees of the American Red Cross ("Red Cross") and others, the following facts to support the allegations charged by the Grand Jury in the Indictment now pending against the defendant, **SHANTELL MOSES, a/k/a Shantell Mosses, a/k/a Tora Yvette Hodges** ("MOSES" or the "defendant").

**Mail Fraud** (Count 1)

An employee of the Red Cross would testify that in the weeks and months after Hurricane Katrina, which struck southeastern Louisiana on August 29, 2005, the Red Cross maintained disaster recovery centers to assist victims of Hurricane Katrina. Through these recovery assistance efforts, the Red Cross provided financial assistance to residents displaced or otherwise affected by Hurricane

Katrina. People affected by the storms were able to apply for a one-time only financial grant of up to \$1,565 from the Red Cross. In order to receive these funds, applicants needed to present identification to a Red Cross representative that indicated residence in an affected zone. Applicants were also required to swear and attest that they had not received any undisclosed additional American Red Cross financial assistance at any other Red Cross assistance location.

Paychex, Inc., a Rochester, NY-based company that had volunteered its services to the Red Cross, processed personal checks to applicants as deemed appropriate and authorized by the Red Cross. These checks were processed and issued to applicants via the United States Postal Service.

Competent testimony would be introduced that once approved, the Red Cross made these disaster assistance funds available in one of a number of ways, including: (1) a Red Cross-issued “Client Assistance Card,” which the Red Cross purchased from national banks and which operated in a manner consistent with debit/credit/ATM cards, issued on-site or mailed, then activated by the applicant after approval; (2) a Red Cross-issued “Discover” card, issued on-site or mailed, and activated via phone by the applicant; (3) a Red Cross-issued “Capital One” card, issued on-site or mailed to the applicant; (4) a Red Cross-issued “Visa” card, delivered on-site or mailed to the applicant; (5) a personal check made payable to the applicant by Paychex, Inc., mailed to the applicant via the United States Postal Service from New York; (6) a Western Union money wire, sent to the applicant at local Western Union outlets; (7) a personal check made payable to the applicant, authorized by the Red Cross, and delivered on-site or mailed through the United States Postal Service to an address provided by the applicant; (8) a Traveler’s Check made payable to the applicant and delivered on-site; (9) a money orders delivered to the applicant on-site; (10) a disbursement order, which include instruments that could be cashed at a bank or used to purchase

goods and services at stores and hotels, delivered to the applicant on-site; or (11) cash, delivered on-site to the applicant.

Testimony by an employee of the Red Cross and admissible exhibits would be introduced to prove that the defendant, **SHANTELL MOSES**, presented herself to Red Cross assistance centers on eleven (11) occasions between on or about September 22, 2005, and on or about October 7, 2005. During her visits where she applied for financial assistance, the defendant, **MOSES**, also presented false identification claiming her name and identification to be “Tora Yvette Hodges,” a woman who **MOSES** knew and who did not give **MOSES** permission to utilize her name or identification in any way. Additionally, during her visits where she applied for financial assistance, the defendant, **MOSES**, falsely and fraudulently represented and stated that (1) she had not received any other financial assistance from the Red Cross; and (2) that she was a resident of Louisiana at the time of Hurricane Katrina when, in fact, she was not. As a result of these eleven applications, the defendant, **MOSES**, received direct financial assistance from the Red Cross totaling \$16,915.00, all of which was obtained by fraud. Competent testimony and admissible exhibits would be introduced to prove that one of the eleven occasions where **SHANTELL MOSES** applied for assistance was on or about October 6, 2005, in the Eastern District of Louisiana, when the defendant applied for and received a personal check authorized by the Red Cross and issued through the United States Mail by Paychex. Further testimony by employees of the Red Cross would be introduced to prove that the defendant was required to attest and affirm that (1) she had not received any other financial assistance at any other Red Cross assistance center and (2) she was a resident of Louisiana at the time of Hurricane Katrina. Evidence, including the defendant’s Red Cross application from October 6, 2005, would be introduced to prove that the defendant made specific false representations in her application,

including that she had not received any other financial assistance at any other Red Cross assistance center when, in fact, she knew she had received such assistance on several occasions prior to October 6, 2005, and that she was a resident of Louisiana at the time Hurricane Katrina made landfall when, in fact, she was not a resident at that time.

Testimony and exhibits would be presented to show that as a result of her Red Cross application on or about October 6, 2005, Paychex, Inc. mailed a check to the defendant. Specifically, an employee of Paychex would be called to testify as to the procedures and means by which the check, in the amount of \$1,565.00 and numbered 1015010881, came to be sent, through the United States Mail, to a Post Office box utilized by the defendant, **MOSES**, located at P.O. Box 1143, Independence, Louisiana 70443, in the Eastern District of Louisiana. Through this witness, certain documents and exhibits would be offered and introduced into evidence to prove that the defendant's fraudulent application and actions directly led to the mailing of the check.

#### **Identity Theft** (Count 4)

Admissible documentary and testimonial evidence would also be introduced to prove that, as set forth above, Tora Y. Hodges ("Hodges") has resided, for the entirety of her life in or around the Atlanta, Georgia metropolitan area. The defendant, **SHANTELL MOSES**, was aware who Hodges was because the defendant had a relationship with an individual with whom Hodges also had a prior relationship. Testimony would further be introduced to prove that, as noted above, Hodges never gave the defendant, **MOSES**, permission or authorization to use her name, date of birth, or identification in any way.

Documents, including an American Red Cross application and related paperwork, as well as copies of various identification cards, would be introduced to prove that on or about October 7, 2005,

the defendant, **MOSES**, knowingly possessed and used, in and affecting interstate commerce, a means of identification of Tora Y. Hodges, including her name and date of birth, without lawful authority. Further evidence would be admitted to prove that the defendant, **MOSES**, utilized this means of identification with intent to commit the mail fraud scheme set forth above, in violation of Title 18, United States Code, Section 1341, and by her conduct the defendant, **MOSES**, obtained items of value, including funds or disbursement orders from the American Red Cross, aggregating \$1,000 or more during the calendar year 2005.

READ AND APPROVED:

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SHANTELL MOSES (Date)  
Defendant